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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,003	11/14/2003	Bruce D. Johnson	J63.202	2086

7590 07/28/2005  
Clayton R. Johnson  
3121 Dakota Avenue  
Minneapolis, MN 55416

EXAMINER
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WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/714,003

Applicant(s)

JOHNSON, BRUCE D.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,11-13,16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 is/are allowed.
- 6) ☒ Claim(s) 1-6,9,11-13,16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the second Office Action for the serial number 10/714,003, CABLE CLAMP, filed on 11/14/03.

#### ***Specification***

The disclosure is objected to because of the following informalities: "Perimetric" is not found in the dictionary or explained in the specification; on page 3, line 1, "embodimet" should be changed to ---embodiment--- for clarification.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 9, 16, and 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 9-10, "longitudinally spaced recesses opening upwardly through the web surface and transversely spaced lands that at least in part define the channel side walls" is indefinite because the drawings don't show the recesses being opening upwardly through the spaced lands. The recesses in the drawings show opening upwardly through the web surface, not the spaced lands.

Claim 1, line 11 and claim 21, line 9, "perimetric" is indefinite because it is not found in dictionary or explained in the specification.

Claims 2-6 and 9 are rejected as depending on rejected claim 1. Claims 16, 18-20 and 22-23 are rejected as depending on rejected claim 21.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 3,246,076 to Stoneburner in view of US Patent # 4,143,446 to Down.

Stoneburner teaches a cable clamp comprising a base (18) including a block of a longitudinal length greater than its transverse width. The block has an upwardly open channel (located between element 21) extending the longitudinal length thereof. The channel having a web surface (located between the walls of element 21) and transversely spaced side walls (21), longitudinally spaced recess (depression part of web) opening upwardly through the web surface and transversely spaced lands (located on top of element 21) that at least in part define the channel side walls. The clamp comprises a longitudinally elongated cover (19) having a top wall with perimetric edge portions, flanges (25) dependingly joined to the top wall edge portions and having transversely opposite longitudinally elongated portions. The cover comprises a longitudinally elongated ridge (located between element 24) dependingly joined to the top wall in transversely spaced, transversely centered relationship to the flange longitudinal portions. The cover ridge being extendable into the base channel and having protrusion (tapered part of

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elongated ridge) in about the same longitudinal spaced relationship as the recess. The cover and base being secured by fasteners (32,17). The base and cover have vertically aligned mounting screw aperture (29-30).

Stoneburner teaches the base having recess and the cover having protrusion but fails to teach the base having plurality of recesses and the cover having more than one protrusions. Down shows cover having plurality of protrusions and base having plurality of recess (figures 5-6). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Stoneburner's base with plurality of recesses and cover with plurality of protrusions as taught by Down to provide a separate path of cables or ropes to avoid them from tangle up when clamping the cover and base together.

Stoneburner teaches the base and cover having vertically aligned mounting screw aperture but fails to teach the base and cover having additional vertically aligned mounting screw apertures. Down teaches two vertically aligned mounting screw apertures (figure 6). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional vertically aligned mounting screw aperture to Stoneburner's base and cover as taught by Down to provide additional security for retaining the cable or rope in the clamp.

Claims 3-5, 16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoneburner. in view of Down and in further view of US Patent # 1,139,748 to Beatty.

Stoneburner teaches a cable clamp comprising a base (18) including a block of a longitudinal length greater than its transverse width. The block has an upwardly open channel (located between element 21) extending the longitudinal length thereof. The channel having a web

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between element 21) extending the longitudinal length thereof. The channel having a web surface (located between the walls of element 21) and transversely spaced side walls (21), longitudinally spaced recess (depression part of web) opening upwardly through the web surface and transversely spaced lands (located on top of element 21) that at least in part define the channel side walls. The clamp comprises a longitudinally elongated cover (19) having a top wall with perimetric edge portions, flanges (25) dependingly joined to the top wall edge portions and having transversely opposite longitudinally elongated portions. The cover comprises a longitudinally elongated ridge (located between element 24) dependingly joined to the top wall in transversely spaced, transversely centered relationship to the flange longitudinal portions. The cover ridge being extendable into the base channel and having protrusion (tapered part of elongated ridge) in about the same longitudinal spaced relationship as the recess. The cover and base being secured by fasteners (32,17). The base and cover have vertically aligned mounting screw aperture (29-30).

Stoneburner teaches the base having recess and the cover having protrusion but fails to teach the base having plurality of recesses and the cover having more than one protrusions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Stoneburner's base with plurality of recesses and cover with plurality of protrusions to provide a separate path of cables or ropes to avoid them from tangle up when clamping the cover and base together.

Stoneburner teaches the base and cover having vertically aligned mounting screw aperture but fails to teach the base and cover having additional vertically aligned mounting screw apertures. It would have been obvious for one of ordinary skill in the art at the time the invention

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was made to have added additional vertically aligned mounting screw aperture to Stoneburner's base and cover to provide additional security for retaining the cable or rope in the clamp.

Stoneburner teaches the block has a generally planar bottom surface but fails to teach an elongated chisel point ridge joined to the bottom surface. Beatty teaches the elongated chisel point ridges (15) joined to the bottom surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the elongated chisel point ridge to Stoneburner bottom surface as taught by Beatty to provide a friction surface on the bottom of the block to prevent the block from moving in any direction.

Stoneburner in view of Down and in further view of Beatty teaches the chisel point ridges but fails to teach the chisel point ridge has a transversely elongated portion longitudinally adjacent one of the end surfaces and a longitudinally elongated chisel point ridge portion transversely adjacent one of the longitudinal side surfaces and the chisel point ridge portions are joined to one another to extend both longitudinally and transversely relative to the bottom surface. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have expanded the length of Stoneburner in view of Down and in further view of Beatty's chisel point ridge along the longitudinal side surface and end surface and to have connected the chisel point ridge portions to the other to extend in longitudinally and transversely relative to the bottom to provide additional support for the clamp to remain mounted on a surface.

***Allowable Subject Matter***

Claims 11-13 and 24-26 are allowed.

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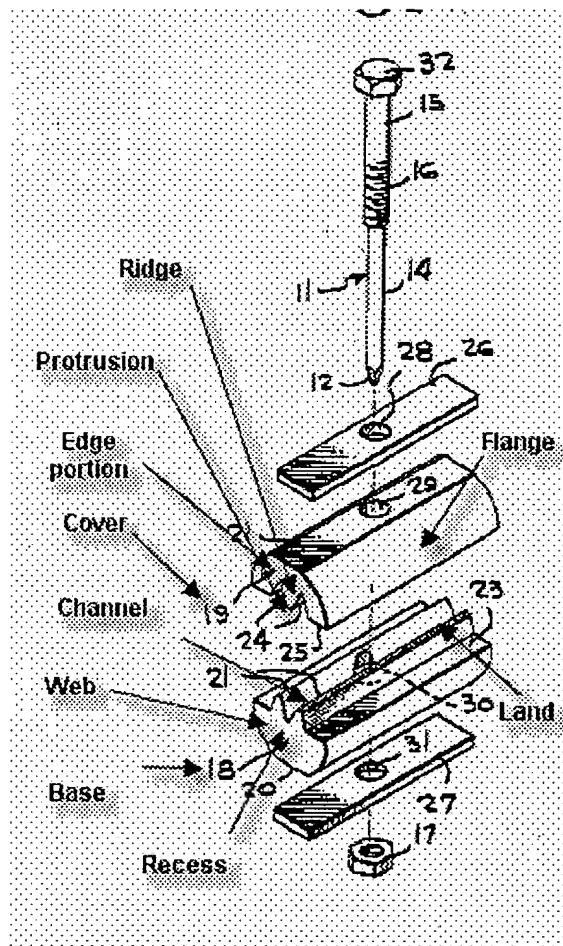
In regards to claim 24, the prior art fails to teach the maximum distance that the ridge depends from the cover top wall is less than the maximum distance the flanges depend from the top wall and the ridge. In regard to claims 11-13 and 25, the prior art fails to teach the first and second protrusions are convexly curved to extend in a downward direction and have a crest. In regards to claim 26, the prior art fails to teach wherein the first and third protrusions are convexly curved and have crests and the second protrusion has a crest that is generally planar to provide transversely extending edges.

***Response to Arguments***

Applicant's arguments with respect to claims 1-6, 9, 16, 18-23 have been considered but are moot in view of the new ground(s) of rejection.

See diagram of Stoneburner shown below for clarification.





### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 753,398 to Hunt

US Patent # 1,370,544 to Leeper

US Patent # 4,407,477 to Backlund et al.

Hunt, Leeper and Backlund et al. teaches a tiedown fastening device.

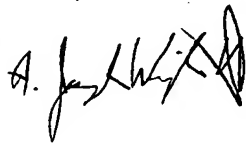
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Examiner  
Art Unit 3632



7/8/05